

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Constitutional Amendment

No. 11

Introduced by Assembly Member Gatto

December 9, 2010

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Section 8 of Article II~~ *Sections 3 and 4 of Article XVIII* thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 11, as amended, Gatto. Initiatives: ~~election qualification: signatures~~ *constitutional amendments: voter approval.*

Existing provisions of the California Constitution provide for the electors to propose ~~statutes or~~ amendments to the Constitution by initiative. ~~An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5% in the case of a statute, and 8% in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election and to adopt or reject them. Any proposed initiative measure submitted to the voters becomes effective if it is approved by a majority of votes cast.~~

This measure would increase the ~~percentage requirement for signatures to 8% in the case of an initiative measure that proposes a statute~~ *vote requirement from a majority to $\frac{2}{3}$ of the votes cast for the electors to amend the Constitution by an initiative measure, except that this measure would permit the electors to repeal a previously adopted initiative or legislative amendment to the Constitution, including certain*

subsequent amendments to that constitutional amendment, by an initiative measure passed by a majority vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 ~~That Section 8 of Article II thereof is amended to read:~~

8 ~~SEC. 8.—(a) The initiative is the power of the electors to~~
9 ~~propose statutes and amendments to the Constitution and to adopt~~
10 ~~or reject them.~~

11 ~~(b) An initiative measure may be proposed by presenting to the~~
12 ~~Secretary of State a petition that sets forth the text of the proposed~~
13 ~~statute or amendment to the Constitution and is certified to have~~
14 ~~been signed by electors equal in number to 8 percent of the votes~~
15 ~~for all candidates for Governor at the last gubernatorial election.~~

16 ~~(c) The Secretary of State shall then submit the measure at the~~
17 ~~next general election held at least 131 days after it qualifies or at~~
18 ~~any special statewide election held prior to that general election.~~
19 ~~The Governor may call a special statewide election for the measure.~~

20 ~~(d) An initiative measure embracing more than one subject may~~
21 ~~not be submitted to the electors or have any effect.~~

22 ~~(e) An initiative measure may not include or exclude any~~
23 ~~political subdivision of the State from the application or effect of~~
24 ~~its provisions based upon approval or disapproval of the initiative~~
25 ~~measure, or based upon the casting of a specified percentage of~~
26 ~~votes in favor of the measure, by the electors of that political~~
27 ~~subdivision.~~

28 ~~(f) An initiative measure may not contain alternative or~~
29 ~~cumulative provisions wherein one or more of those provisions~~
30 ~~would become law depending upon the casting of a specified~~
31 ~~percentage of votes for or against the measure.~~

32 *First—That Section 3 of Article XVIII thereof is amended to*
33 *read:*

1 SEC. 3. (a) The electors may amend the Constitution by an
2 initiative measure approved by a minimum of two-thirds of the
3 votes cast thereon, or as specified in subdivision (b).

4 (b) (1) The electors, by an initiative measure passed by a
5 majority of votes cast thereon, may repeal a previously adopted
6 initiative or legislative amendment to the Constitution.

7 (2) The repeal of a previously adopted amendment to the
8 Constitution pursuant to this subdivision shall also be deemed to
9 repeal any subsequent amendments to that constitutional
10 amendment. However, this subdivision is not applicable to repeal
11 a previously adopted constitutional amendment if the measure that
12 contained any such subsequent amendment, as adopted by the
13 electors, also included one or more constitutional provisions that
14 did not amend the previously adopted amendment.

15 Second—That Section 4 of Article XVIII thereof is amended to
16 read:

17 SEC. 4. A proposed amendment or revision shall be submitted
18 to the electors and if approved by a majority of votes thereon, or
19 by two-thirds of the votes thereon under subdivision (a) of Section
20 3, takes effect the day after the election unless the measure provides
21 otherwise. If provisions of ~~2~~ two or more measures approved at
22 the same election conflict, those of the measure receiving the
23 highest affirmative vote shall prevail.